

**IN THE UNITED DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

TERRI WATSON,	)	
	)	
Plaintiff,	)	
	)	Action No.
v.	)	
	)	2:07-CV-00639-WKW-TFM
NUVELL FINANCIAL	)	
SERVICES, L.L.C.	)	
and NUVELL NATIONAL AUTO	)	
FINANCE L.L.C. d/b/a	)	
NATIONAL AUTO	)	
FINANCE COMPANY,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS**

COME NOW, defendants Nuvell Financial Services LLC and Nuvell National Auto Finance LLC d/b/a National Auto Finance Company (both Nuvell Financial Services LLC and Nuvell National Auto Finance LLC d/b/a National Auto Finance Company hereinafter collectively referred to as “defendants”) and move this Honorable Court to dismiss Counts II, III and IV of plaintiff’s complaint, as those counts fail to state a claim against defendants upon which relief can be granted.

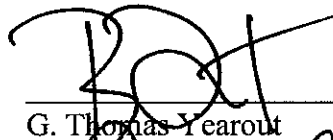
In support of this Motion to Dismiss defendants file, contemporaneously with this motion, their Memorandum of Law in Support of this Motion To Dismiss and state the following:

1. The plaintiff’s complaint fails to state a claim upon which relief can be granted.
2. Plaintiff’s state tort law claims are preempted under 15 U.S.C. § 1681t(b)(1)(f). See, Riley v. General Motors Acceptance Corp., 226 F. Supp 1316 (S.D. Ala. 2002).

3. Plaintiff's state tort law claims are preempted under 15 U.S.C. § 1681h(e). See, Woltersdorf v. Pentagon Federal Credit Union, 320 F.Supp.2d 1222 (N.D. Ala. 2004); McCloud v. Homeside Lending, 309 F.Supp. 2d 1335 (N.D. Ala. 2004).
4. Plaintiff's breach of contract claim is barred by the statute of frauds.
5. The claims made by the plaintiff against these defendants are barred by the statute of limitations.
6. The claims made by the plaintiff are barred by laches.

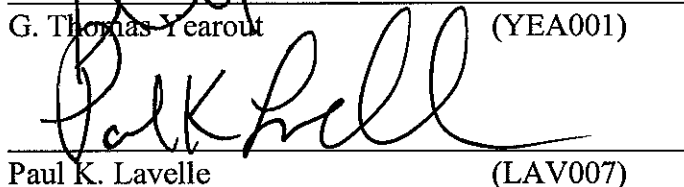
**ORAL ARGUMENT REQUESTED**

Respectfully submitted,



G. Thomas Yearout

(YEA001)



Paul K. Lavelle

(LAV007)

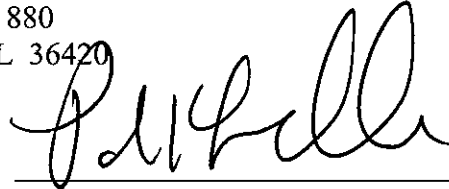
OF COUNSEL FOR DEFENDANTS  
NUVELL FINANCIAL SERVICES LLC  
AND NUVELL NATIONAL AUTO FINANCE LLC d/b/a  
NATIONAL AUTO FINANCE COMPANY

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing motion has been served upon the following by using the CM/ECF system which will send notification of such filing to the below-named on this the 2<sup>nd</sup> day of August 2007.

W. Harold Albritton, III  
Attorney at Law  
P.O. Box 880  
Andalusia, AL 36420

A handwritten signature in black ink, appearing to read 'W. Albritton III', written over a horizontal line.

OF COUNSEL